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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,941	08/26/2003	Cechan Tian	064731.0377	5930
5073	7590	08/17/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			LUU, THANH X	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,941

Applicant(s)

TIAN ET AL.

Examiner

Thanh X. Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13, 14, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 3 and 11 are objected to because of the following informalities:

Regarding claims 3 and 11, it is unclear how there can be a third optical signal, if there is no second optical signal. Examiner believes Applicant intended claims 3 and 11 to be dependent from claims 2 and 10, respectively, as a second optical signal is mentioned in claims 2 and 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7-9, 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by So et al. (U.S. Patent 6,671,085).

Regarding claims 1, 2, 7-9, 15-18, So et al. disclose (see Figs. 2 and 3) a method and a system for controlling an amplifier in an optical network, comprising: determining

(with 150) primary pump power information for a primary amplifier (15); communicating (with 140) the primary pump power information to a secondary amplifier (20) coupled to the primary amplifier; generating secondary pump control information (to 70) for the secondary amplifier based on (see Fig. 3) the primary pump power information; and amplifying (with 180) a first optical signal at the secondary amplifier based on the secondary pump control information. So et al. also disclose (see Fig. 2) amplifying (at 55) a second optical signal at the primary amplifier and EDFAs as claimed. As understood, the primary amplifier may be called a pre-amplifier and the secondary amplifier may be called a distributing amplifier. So et al. further disclose tuning circuitry (within 140) as claimed.

5. Claims 1, 2, 4, 7-9, 12, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Denkin et al. (U.S. Application Publication 2004/0091206).

Regarding claims 1, 2, 4, 7-9, 12, 15-19, Denkin et al. disclose (see Fig. 6) a method and a system for controlling an amplifier in an optical network, comprising: determining (with 615) primary pump power information for a primary amplifier (610); communicating (with 635) the primary pump power information to a secondary amplifier (611) coupled to the primary amplifier; generating secondary pump control information (to 650) for the secondary amplifier based on the primary pump power information; and amplifying (with 611) a first optical signal at the secondary amplifier based on the secondary pump control information. Denkin et al. also disclose (see Fig. 6) amplifying (at 610) a second optical signal at the primary amplifier and EDFAs as claimed. As understood, the primary amplifier may be called a pre-amplifier and the secondary

amplifier may be called a distributing amplifier. Denkin et al. further disclose tuning circuitry (within 650) and adjusting parameters (delay) of the primary pump power information as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of So et al. or Denkin et al. in view of Nakaji (U.S. Patent 6,661,570).

Regarding claims 3 and 11, So et al. and Denkin et al. disclose the claimed invention as set forth above. So et al. and Denkin et al. do not specifically disclose determining an input and output power as claimed. Nakaji teaches (see Fig. 5) determining an input (at 35) and output (at 38) power of an optical signal at an amplifier (33) to provide improved gain control. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide input and output power measurements in the apparatus of So et al. or Denkin et al. in view of Nakaji to improve performance of the optical system as taught.

Allowable Subject Matter

8. Claims 5, 6, 13, 14, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

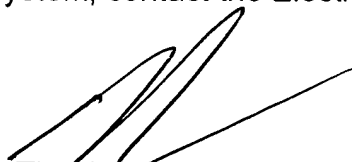
9. The following is a statement of reasons for the indication of allowable subject matter: a method or system for controlling an amplifier as claimed, more specifically in combination with adjusting for a gain difference in relative gains or a difference in relative power ratios, is not disclosed or made obvious by the prior art of record.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh X. Luu
Primary Examiner
Art Unit 2878